

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
ADETUTU ARAWOLE, R.N.	:	
License # 26NR08238400	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Adetutu Arawole ("Respondent") is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. Respondent indicated on her 2013 renewal application that she would have completed required continuing education for the June 1, 2011 - May 31, 2013 licensing cycle by May 31, 2013.

3. Respondent was asked to document completion of nursing continuing education,¹ and furnished a "certificate of training" which did not constitute qualifying continuing education. After being advised by letter dated January 22, 2015 that her previously submitted documentation was insufficient, Respondent provided documentation of completion of thirty (30) contact hours of valid nursing continuing education, completed on February 12, 2015, but to be attributed, or applied to cure the deficiency of, the June 1, 2011 - May 31, 2013 licensing cycle.

CONCLUSIONS OF LAW

Respondent's failure to timely complete required nursing continuing education within the June 1, 2011 - May 31, 2013 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her 2013 renewal application that she would complete all required nursing continuing

¹ By letter dated November 10, 2014, Respondent was asked by the Board to provide proof of completion of continuing education during her last renewal period. The letter erroneously stated Respondent's last renewal period as 6/1/12 - 5/31/14, instead of the correct renewal period of 6/1/11 - 5/31/13.

education by May 31, 2013 constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a two hundred and fifty dollar civil penalty and a reprimand was entered on May 4, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline and argued that her "certificate of training" indicating that she successfully completed certain segments of the "9M" for her New York employer (a teaching hospital) should count as proof that she completed the required 30 hours of continuing education for New Jersey nurses. Respondent provided documentation that the "9M" was offered by her employer's nursing staff development department and that she completed the same training almost every year (certificates dated 1/8/09, 12/2/10, 12/7/11, 11/27/13, and

12/4/14, but none for 2012).

The materials submitted demonstrate that the "9M" is an inservice training program provided by Respondent's New York employer. The materials do not state that the courses are approved or accredited as continuing education for nurses in New Jersey, or any other state that requires continuing education as a condition for license renewal. The materials or certificates do not state the number of contact hours awarded for completion of the courses. Although Respondent refers to the "9M" "training" as CE (continuing education) there is nothing in the materials that denotes it as such.

Respondent argues that because her New York employer is a teaching hospital, it should be considered a state agency and she should get credit for taking courses in order to comply with the requirements of a state or federal agency pursuant to N.J.A.C. 13:37-5.3(d)(2). Contrary to Respondent's assertion, a teaching hospital is not a state or federal agency. In New York, the state agency governing the practice of nursing is the New York Board of Nursing. The New York Board of Nursing does not require 30 hours of continuing education, as this Board does.

Alternatively, Respondent argues that because her New York employer is a teaching hospital, she should get credit for completing a course, related to nursing, given by a school,

college, or university pursuant to N.J.A.C. 13:37-5.3(d)(5). However, that section of the Board's regulation was intended to give continuing education credit to nurses that were enrolled in accredited nursing degree programs to obtain higher degrees (for example, an LPN going back to school to obtain a Bachelors of Science degree in Nursing (BSN)). A college transcript showing the courses that the nurse successfully completed while obtaining a higher degree would result in the nurse getting 5 hours of continuing education credit for each college credit earned. For instance, for completion of a 3 credit college course, the nurse would earn 15 hours of continuing education. The "9M" segments that Respondent completed do not constitute college courses and Respondent has provided no proof that she was enrolled in a nursing degree program at the Weill Cornell Medical College, which Respondent maintains is the college or university affiliated with her employer.

Respondent further argues that the "9M" is more rigorous than New Jersey's requirement of 30 hours of continuing education. The Board is not convinced. The materials submitted by Respondent indicate that "9M" is an employer required in-service training program, similar to other in-service trainings required by New Jersey hospital employers which are not considered continuing education courses.

Overall, Respondent argues that she believed that by

completing her employer's required "9M" "training" that she would have satisfied New Jersey's requirement for 30 hours of continuing education. Respondent's belief demonstrates an ignorance of the regulations which govern her practice as a nurse in the State of New Jersey. As a licensee of the State of New Jersey, Respondent has a professional responsibility to understand and abide by the statutes and regulations which govern the license that she holds.

Respondent asserts that she did not misrepresent on her 2013 renewal application that she had completed the required continuing education because she believed that she had completed the required 30 hours by completing the "9M." She maintains that the Board would have to prove that she had the intent to engage in the use or employment of dishonesty, deception or misrepresentation.

The Board in making its determination notes that in In re Y.L., 437 N.J. Super. 409, 414 (App. Div. 2014), the Appellate Division recently upheld the denial of an application by an applicant who had misrepresented on her application (provided answers that were not truthful, accurate, and complete) and stated that "misrepresentation does not generally require the intent to deceive."

When licensed professionals apply to renew their licenses, they are asked questions. The online renewals are designed so

that the licensee certifies their answers by submitting the online application. Respondent was asked whether she had completed the required continuing education (30 hours within June 1, 2011 - May 31, 2013). Respondent answered yes and certified that answer by submitting the online application. The onus is on the professional to ensure that they have maintained the documentation to support their answer regarding continuing education. N.J.A.C. 13:37-5.3(f) requires nurses to maintain documentation of completion of continuing education and to submit it to the Board upon request. Respondent certified that she had completed the required continuing education and when asked to provide corresponding proof to her professional licensing Board, was unable to do so. Respondent failed to demonstrate, to the satisfaction of the Board, that she had timely completed the required continuing education. Thus her answer on the biennial renewal misrepresented that she had satisfied the continuing education requirements when she could not document said satisfaction.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was not persuaded that the submitted materials merited further consideration. The Board determined that Respondent's failure to timely complete thirty hours of continuing education within the June 1, 2011 - May 31, 2013 biennial period warrants a two

hundred and fifty dollar (\$250) civil penalty, as well as a reprimand for her corresponding answer on the renewal application where she certified that she had completed the required continuing education and was unable to demonstrate, to the satisfaction of the Board, that she had done so. The Board determined that suspension of Respondent's license was not warranted as Respondent had already cured the deficiency of the June 1, 2011 - May 31, 2013 biennial period by submitting the 30 hours of continuing education completed in February 2015.

ACCORDINGLY, IT IS on this 10th day of December, 2015,

ORDERED that:

1. A public reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).

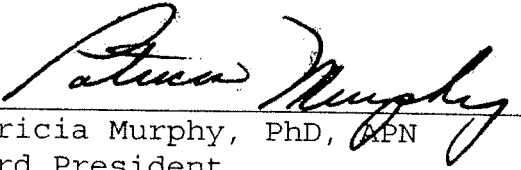
2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a

timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The continuing education completed on February 12, 2015 and applied to cure the deficiency of the June 1, 2011 - May 31, 2013 biennial period may not also be applied to satisfy Respondent's continuing education obligation for the June 1, 2013 - May 31, 2015 licensing cycle.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President